

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

OCHIABUTOR SORENSON  
ORUCHE,  
Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/16/2022

**20 Cr. 657 (MKV)**  
**22 Civ. 6725 (MKV)**

**Order re: Attorney-Client Privilege Waiver**

WHEREAS Ochiabutor Sorenson Oruche has filed a motion to vacate his conviction pursuant to 28 U.S.C. § 2255 on the ground of ineffective assistance of counsel; and

WHEREAS the Government, after reviewing the motion papers, has concluded that the testimony of the movant's former counsel, Gerald J. Di Chiara ("Counsel"), will be needed in order to allow the Government to respond to the motion; and

WHEREAS the Court, after reviewing the motion papers, is satisfied that the testimony of Counsel is needed in order to allow the Government to respond to the motion; and


WHEREAS by making the motion, the movant has waived the attorney-client privilege as a matter of law; and

WHEREAS the Court is cognizant that, absent court order, ethical concerns may inhibit Counsel from disclosing confidential information relating to a prior client even in the absence of a privilege, *see, e.g.*, ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July 14, 2010), *Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim*,

IT IS HEREBY ORDERED that Counsel shall give sworn testimony, in the form of an affidavit, addressing the allegations of ineffective assistance of counsel made by the movant, to be filed within 30 days of the date of this Order; and

IT IS FURTHER ORDERED that the deadline for the Government's response to the Section 2255 motion is extended to 60 days from the date Counsel's affidavit is filed. The movant's reply, if any, remains due 30 days from the date the Government's opposition.

Dated: New York, New York  
November 16, 2022

  
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HONORABLE MARY KAY VYSKOCIL  
UNITED STATES DISTRICT JUDGE